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RD

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/316,735	05/21/99	HUI	S 12364,10511

023552  
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MM01/0918

EXAMINER

HARDY, D

ART UNIT

PAPER NUMBER

2815

DATE MAILED: 09/18/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/316,735

Applicant(s)  
Hui et al.

Examiner  
David B. Hardy

Group Art Unit  
2815



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-35 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 1-35 are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2815

Serial Number: 09/316735 Attorney's Docket #: 12364.1USI1

Filing Date: 5/21/99; CIP of 09/018,871 filed 2/5/98

Applicant: Hui et al.

Examiner: David Hardy

Receipt of the Preliminary Amendment filed 5/21/99 is acknowledged.

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-16, 23-30 and 35, drawn to a semiconductor device, classified in Class 257, subclass 528+.

II. Claims 17-22 and 31-34, drawn to a method for using a semiconductor device, classified in Class 327, subclass 1+.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the process as claimed can be practiced with another materially different product such as a transformer having coils formed on a same plane.

Because these inventions are distinct for the reasons given above and, as shown by the above different classifications, the fields of search are not co-extensive and separate examination would be required, restriction for examination purposes as indicated is proper.

Art Unit: 2815

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

*Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Art Unit 2815 via the PTO Fax center located in Crystal Plaza 4-4C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Art Unit 2815 Fax Center number is (703) 308-7722 or -7724. The Art Unit 2815 Fax Center is to be used only for papers related to Group 2800 applications.*

Any inquiry concerning this communication or any earlier communication from the examiner should be directed to **Examiner David Hardy** whose telephone number is (703) 308-4092 and may additionally be contacted by e-mail at **david.hardy@uspto.gov**.

Any inquiry of a general nature or relating to the status of this application should be directed to the **Group 2800 receptionist** whose telephone number is (703) 308-0956.

DBH

14 September 2000

  
DAVID HARDY  
PRIMARY EXAMINER